

**REMARKS**

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the Official Action dated February 24, 2005, the Examiner first objected to Claim 3 as comprising a minor informality. Applicant takes this opportunity to correct the error indicated by the Examiner in Claim 3.

The Examiner further rejected Claims 5 and 10 under 35 U.S.C. §112, second paragraph, as allegedly reciting elements absent prior antecedent basis. In response, Applicant hereby amends each of Claims 5 and 10 to set forth the step of employing PER rules.

The Examiner further rejected Claims 23-28 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner indicates that a single claim claiming both an apparatus and the method steps for using the apparatus is indefinite under 35 U.S.C. §112, second paragraph. Moreover, Claims 23-28 have been rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Further in the Office Action, the Examiner further rejected Claims 1-28 under 35 U.S.C. §102(a) as allegedly being anticipated by Imamura et al. reference entitled "Mapping between SN.1 and XML" I.E.E.E., 8-12, January 2001 (hereinafter "Imamura"). The Examiner particularly alleges that Imamura discloses the XML data encoding method as set forth in the claims, e.g., independent Claims 1, 6, 11 and 16.

With respect to the rejection of Claims 23-28 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and the rejection of Claims 23-28 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter, the applicant respectfully disagrees.

Since the decision of In re Beauregard, 35 U.S.P.Q.2d 1383 (Fed. Cir. 1995), the Patent Office has well-accepted computer program product claims. In re Beauregard particularly established that computer software may be patented as an article of manufacture. It is thus respectfully submitted that Claims 23-24 directed to an article of manufacture comprising a computer usable medium having program code for respectively encoding and decoding; Claims 25-26 directed to a program storage device readable by a machine tangibly embodying a program of instructions for respectively encoding and decoding; and Claims 27-28 directed to a computer program product comprising a computer usable medium having computer readable program code for respectively encoding and decoding, all are categorized as computer software products- well known as patentable subject matter. Respectfully, what is being claimed in Claims 23-28 is not computer code (printed matter) or data structures per se; rather, such claims set forth a computer program product, i.e., tangibly embodying instructions for carrying out method steps as recited in the respective claims upon which they depend. These claims constitute statutory subject matter and are not indefinite.

The Examiner is thus respectfully requested to withdraw the rejections of Claims 23-28 based on both 35 U.S.C. §112, second paragraph, and 35 U.S.C. §101 grounds.

With respect to the rejection of Claims 1-28 under 35 U.S.C. §102(a) as allegedly anticipated by Imamura, applicant respectfully disagrees. The present invention is directed to a system and method that seeks to provide efficiencies for compressing structured XML data (see present specification at page 6, lines 23-26); the objective being to encode structured XML data so as to enhance compression efficiency of such structured data- particularly when the corresponding encoding of certain XML characters do not lend themselves to efficiently compress. In the inventive method, XML is encoded by converting it to ASN.1 (which may be further converted back to XML by the claimed decoding technique). In the invention, as claimed in Claim 1, for example, the XML is converted to ASN.1 by referring to the Document Type Definition (DTD) -the claimed "grammar" definition.

Particularly, Imamura is directed to a library of methods for translating Abstract Syntax Notation One ASN.1 to XML for manipulating ASN.1 data. Additionally, disclosed in Imamura is the inverse- i.e., translation back from XML back to the original ASN.1 data utilizing DER. In Imamura, particularly, the conversion between ASN.1 to XML is executed referring to the ASN.1 Abstract Syntax.

Conversely, in the present invention, the conversion of XML into ASN.1 is executed by referring to a Document Type Definition (DTD) which is neither taught nor suggested in Imamura. That is, the steps shown in Figure 1 (set forth in Claim 1) and Figure 2 (set forth in Claim 6) are neither taught nor suggested in Imamura. Respectfully, applicant fails to see these teachings in Imamura. That is, in Imamura, the architecture of the ASN.1 to XML translator (section 4.2 spanning pages 61-62 of Imamura) is not the same as the XML encoding method of the present invention of Figure 1 and the XML decoding method of the present

invention of Figure 2 which Claims 1 and 6 respectively are directed to. Thus, for instance, with respect to the rejection of Claim 1, Imamura does not teach a parsing step to remove the XML content text of a syntactic element and subsequent compressing the contents of the syntactic element as set forth in Claim 1 for combination with an ASN.1 transfer syntax. Again, integral to this method is the first conversion of the DTD defining the grammar of the XML data into the ASN.1 abstract syntax (type) (Claim 1). Clearly, Imamura teaches the conversion of ASN.1 abstract syntax definitions into DTDs (see bottom of page 59, section 4.1).

Moreover, Imamura does not teach or suggest the generation of an ASN.1 abstract transfer syntax value that is combined with the compressed XML element content (text) data to form the encoded XML.

Applicant is hardpressed to find any teaching in Imamura. of the compression and combining steps taught in Claim 1. Absent the teachings in Imamura, Imamura can not be anticipatory and the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. §102(a) of Claim 1 and all dependent claims thereon. Likewise, Applicant is hardpressed to find in Imamura any teaching of the decompression and combining steps taught in Claim 6. Absent the teachings in Imamura, Imamura can not be anticipatory. The foregoing analysis and remarks apply in traversal of the rejection of independent system Claims 11 and 16, and the Examiner is respectfully requested to withdraw the rejections of those claims and all dependent claims thereon.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a

telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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